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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TERRI ORTIZ, as an individual consumer
and on behalf of **ADRIAN ALEXANDER**
ORTIZ-FLORES, a minor; **CHUCK**
TIDWELL, as an individual consumer and
on behalf of **WILLIAM TIDWELL**, a
minor; **KRISTIN MATTHIS**, as an
individual consumer and on behalf of
KENDALL MATTHIS, a minor and on
behalf of all others similarly situated,

Plaintiffs,

vs.

MCNEIL-PPC, INC., a New Jersey
corporation,

Defendant.

CASE NO. 07 CV 0678 BEN (CAB)

JENNIFER POINTER, an Individual, and
as Next Friend of **MICHAEL POINTER**, a
Minor,

Plaintiffs,

vs.

MCNEIL-PPC, INC.,

Defendant

Case Number 08 CV 0536 BEN (CAB)

**JOINT MOTION FOR CONTINUANCE
OF SCHEDULING ORDER DATES**

1 1. This Joint Motion is submitted for the *Ortiz-Flores v. McNeil-PPC, Inc.*, Case No.
2 07 CV 0678 BEN (CAB), (S.D. Cal.) ("*Ortiz-Flores*") and *Pointer v. McNeil-PPC, Inc.*, Case No.
3 08 CV0536-BEN (CAB) ("*Pointer*") cases. As more specifically detailed below, this Joint Motion
4 requests that certain dates contained in the Court's January 25, 2008 be continued due to events
5 beyond the Parties' control.

6 2. Plaintiffs in the *Ortiz-Flores* and *Pointer* cases are referred to herein as
7 "Plaintiffs."

8 3. Defendant McNeil-PCC, Inc. is a defendant in both cases and is referred to herein
9 as "Defendant."

10 4. Plaintiffs and Defendant are referred to collectively herein as the "Parties."

11 5. This Court entered a Scheduling Order on January 25, 2008, assigning various
12 deadlines in this matter.

13 6. The Scheduling Order includes a deadline of April 28, 2008 for Plaintiffs to file
14 their Motion for Class Certification.

15 7. The Scheduling Order also provides for a Mandatory Settlement Conference on
16 May 1, 2008 with Settlement Conference statements due on April 24, 2008.

17 8. Despite the Parties good faith efforts to complete all pre-certification discovery in
18 this matter, events beyond the Parties' control are preventing the Parties from completing this
19 discovery prior to the deadlines outlined above.

20 A. The Parties are currently meeting and conferring regarding discovery
21 propounded on Defendant. Plaintiffs contend that some information was not produced in
22 accordance with the propounded discovery. Defendant is making a good faith effort to comply
23 with Plaintiffs' requests and has indicated that further document production will be forthcoming;

24 B. Plaintiffs have noticed the depositions of the person(s) most knowledgeable
25 in key areas for the certification motion. Defendant is currently holding a multi-week company-
26 wide meeting during which none of the employees noticed for deposition are available.
27 Furthermore, Defendant is unable to confirm dates of availability for deposition of their employees
28 until after the termination of these meetings. Defendant anticipates being able to provide dates

1 for deposition in the near future, but can not guarantee that these dates will provide sufficient time
2 for Plaintiffs' to prepare their certification motion.

3 9. The Parties agree that a thirty (30) day continuance of the deadlines for the Class
4 Certification Motion, the Mandatory Settlement Conference statement, as well as the date of the
5 Mandatory Settlement Conference itself, should be sufficient to allow them to complete the above-
6 mentioned discovery.

7 NOW, therefore, THE PARTIES AGREE AND JOINTLY MOVE:

8 1. The continued deadlines reference below are applicable to both the *Ortiz-Flores v.*
9 *McNeil-PPC, Inc.*, Case No. 07 CV 0678 BEN (CAB), (S.D. Cal.) ("*Ortiz-Flores*") and *Pointer v.*
10 *McNeil-PPC, Inc.*, Case No. 08 CV0536-BEN (CAB) ("*Pointer*") cases.

11 2. The deadline for Plaintiffs to file their Motion for Class Certification is hereby
12 continued for 30 days. The new deadline for Plaintiffs to file this Motion is May 28, 2008.

13 3. The date of the Mandatory Settlement Conference is hereby continued for thirty
14 (30) days. The new date for the Mandatory Settlement Conference, is June 2, 2008, or as soon
15 thereafter as the Court's calendar allows.

16 4. In accordance with the Court's January 25, 2008 scheduling order, the Parties are to
17 submit confidential settlement statements directly to chambers at least seven (7) calendar days
18 prior the date set for the Mandatory Settlement Conference.

19 Dated: April 8, 2008

MILSTEIN, ADELMAN, & KREGER, LLP

20
21 By: /s/ Bevin Allen

Bevin M. Allen

22 Attorneys for Plaintiffs Ortiz-Flores and Pointer,
23 et al.

24 Dated: April 8, 2008

MCGUIREWOODS LLP

25
26 By: /s/ Sidney Kanazawa (per email authority on
April 8, 2008)

27 Sidney K. Kanazawa

28 Attorneys for Defendant
McNeil-PPC, Inc.

1 CERTIFICATE OF SERVICE

2 THE UNITED STATES DISTRICT COURT FOR
3 THE SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO
4

5 I am employed in the County of LOS ANGELES, State of CALIFORNIA. I am over the age
6 of 18 and not a party to within action; my business address is **2800 Donald Douglas Loop North,
Santa Monica, California 90405.**

7 On April 8, 2008 I served the foregoing document described as:

8 **JOINT MOTION FOR CONTINUANCE OF SCHEDULING ORDER DATES**

9 on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope
10 addressed as follows:

11 All Counsel (See Attached Service List)

12
13 xxxx (By US Mail) I caused such envelopes with postage thereon fully prepaid to be placed in the
United States mail at Santa Monica, California.

14 Executed on April 8, 2008, at **Santa Monica, California.**

15 ----- (By Fax) I caused such documents to be successfully transmitted via facsimile to the offices of
16 the addresses.

17 _____ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered to the offices of the
addressees.

18 ----- (STATE) I declare under penalty of perjury under the laws of the State of California that the
19 above is true and correct.

20 xxxx (Federal) I declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made.

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22 s/Bevin E. Allen

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24 Bevin E. Allen
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